

BILL # HB 2304

TITLE: sex offenders; registration; lifetime probation

SPONSOR: Nelson

STATUS: As Introduced

REQUESTED BY: House

PREPARED BY: Kim Hohman

FISCAL ANALYSIS

Description

HB 2304 requires the court to impose a term of lifetime probation, when the court imposes probation, for any individual who is convicted of failing to register as a sex offender.

Estimated Impact

The JLBC Staff estimates that HB 2304 will result in increased General Fund probation costs for the state ranging from \$94,200 to \$244,400 in FY 2010, depending of whether Maricopa County continues to pay for its adult probation programs in future years. The cost of the bill will annually increase as additional offenders are added each year. The initial impact does not occur until FY 2010 as the JLBC Staff assumes the offenders affected by this legislation are already serving an average of 4 years on probation. In FY 2020, the JLBC Staff estimates that the state costs will have increased to approximately \$1.0 million if Maricopa County continues to pay for its adult probation programs, and approximately \$2.7 million if the state again pays for adult probation in Maricopa County.

The Administrative Office of the Courts (AOC) has not provided a specific cost estimate, but also believes that any increased probation costs would not be experienced until FY 2010 and that the costs will increase each year.

Analysis

According to the AOC, there were 109 individuals convicted of failing to comply with sex offender registration requirements in Maricopa County in FY 2004. Assuming that Maricopa County represents 60% of all cases, there would have been approximately 182 convictions statewide in FY 2004. The AOC indicates that of the 109 convictions in Maricopa County, 64% (or 70 offenders) were sentenced to a term of probation and 36% (or 39 offenders) were sentenced to the Arizona Department of Corrections (ADC) for a term of imprisonment. Using these same percentages on a statewide basis, the JLBC Staff assumes that approximately 116 of the 182 convicted individuals were sentenced to probation and 66 were sentenced to ADC. The JLBC Staff therefore estimates that approximately 116 individuals each year would be affected by the provisions of this bill (70 in Maricopa County and 46 in non-Maricopa counties).

The state and counties have typically shared the costs of adult standard probation. For the intensive programs, the state pays 100% of the costs. As part of the FY 2004 budget, Maricopa County agreed to assume the state's share of Maricopa's Adult Probation costs in FY 2004 and FY 2005. For the FY 2006 budget, the JLBC recommends continuing the shift of Adult Probation costs to Maricopa County. Since Maricopa County currently pays for its adult probation programs without state assistance, the cost of individuals sentenced to lifetime probation in Maricopa County would be borne entirely by the county. A portion of these individuals would be sentenced to the standard probation program while others would be sentenced to the intensive probation program.

In non-Maricopa counties, the JLBC Staff estimates there are approximately 46 individuals convicted of failing to comply with sex offender registration requirements each year. Under the provisions of HB 2304, these offenders would now be sentenced to lifetime probation terms. The AOC believes it is reasonable to assume that 75% (or 35 individuals) of the sex offenders sentenced to probation for failing to register would be sentenced to standard probation while the remaining 25% (or 11 individuals) would be sentenced to intensive probation. Assuming that the state pays 80% of the costs of standard probation, and using an average cost of \$929 per year, the state cost for the 35 individuals sentenced to standard probation

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Analysis (Continued)

would be approximately \$26,000 each year. Since the state pays 100% of the costs of Adult Intensive Probation, the costs associated with the 11 intensive probationers would be borne entirely by the state. Assuming an average annual cost of \$6,200 for Adult Intensive Probation, the increased state cost for the intensive population would be approximately \$68,200 each year.

In total, the JLBC Staff estimates the increased cost to the state to be approximately \$94,200 each year, beginning in FY 2010. Since new offenders would be added to probation caseloads each year, and these offenders would not be exiting probation programs, any increased costs would be cumulative. In addition, the JLBC Staff cost estimate assumes no change in the annual cost per probationer.

It is possible that having lifetime probation as an option, judges may sentence some individuals to probation who might otherwise be sentenced to ADC. In this circumstance, there would be decreased costs to the state since probation is less expensive than prison. We cannot predict whether this legislation will have an effect on judicial decision-making.

Local Government Impact

Based on information provided by the AOC, the JLBC Staff assumes that individuals convicted of violating sex offender registration requirements already serve an average of 4 years on probation. Therefore, any increased probation costs to the counties would not begin until FY 2010.

Maricopa County

Since Maricopa County currently pays for its adult probation programs without state assistance, the costs associated with individuals sentenced to lifetime probation in Maricopa County would be borne entirely by the county. According to the AOC, there would be approximately 70 individuals affected by this bill each year in Maricopa County. Approximately 52 of these offenders would be sentenced to standard probation and 18 would be sentenced to intensive probation. Assuming an annual cost of \$929 for standard probation and \$6,200 for intensive probation, the increased cost to Maricopa County would be about \$159,900 in FY 2010 and increase annually by that same amount. In FY 2020, the cost to Maricopa County would be approximately \$1.8 million, assuming the county is still paying for its adult probation programs.

Non-Maricopa Counties

The JLBC Staff estimates there are approximately 46 individuals convicted of failing to comply with sex offender registration requirements each year in all counties except Maricopa County. Of the 46 offenders, the JLBC Staff assumes 35 would be sentenced to standard probation and 11 would be sentenced to intensive probation. Since the state pays 100% of the costs of intensive probation, there is no fiscal impact as a result of this population being sentenced to lifetime probation. Assuming the counties pay 20% of the costs of the 35 standard probationers, and assuming an annual cost of \$929 per offender, the cost of HB 2304 to non-Maricopa counties would be approximately \$6,500 in FY 2010 and increase annually by that same amount. In FY 2020, the cost to these counties would be approximately \$71,500.

2/7/05